UNITED STATES PATENT AND TRADEMARK OFFICE

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10/588,781	04/20/2007	Masami Kinugasa	SATO-141NP	4651

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EXAMINER
BENOIT, ESTHER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 April 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 April 2007_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _4/20/2007 and 8/8/2006_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This Action is in response to an Application filed on April 20, 2007. Claims 1-11

are pending in this application.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 9 and 11 are rejected under 35 U.S.C. 101 because they are directed to

non-statutory subject matter. Claims 9 and 11 recite "translation section for…" and "data

carrier section for…" but do not appear to be tied to a piece of hardware or are

hardware per se. The "translation section" and "data carrier section" appear to be

software. Software that is not embodied on a non-transitory media is not patentable.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete

for omitting essential elements, such omission amounting to a gap between the

elements. See MPEP § 2172.01. The omitted elements are: Claim 1 recites in the third

limitation "segment isolated from both the open network layer and the network layer

located inside", but does not specify where this "inside" location is.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 5, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated

by Fischer et al. (US 2008/0015915 A1).

With respect to claim 1, Fischer discloses:

- a client terminal (*buyers*) possessed by an order source (*marketplace*)

  connected to an open network layer (*WAN*), the client terminal being

  equipped with an application for realizing an architecture of a peer-to-peer

  network architecture, and serving as a member participating in the peer-

  to-peer network ([0017], *buyers may be arranged in a peer-to-peer*

  architecture);

- an order reception database (*database*) connected to a network layer (*can*

  be LAN) located inside an order reception base (*suppliers*) as a segment

  isolated from the open network layer, the order reception database being

  equipped with the application connecting to the client terminal by a peer-

  to-peer connection upon execution of the application by the client terminal,

the order reception database recording data sent from the client terminal

and reading data to be sent out of from the recorded data ([0017], [0022],

and [0034], *data from suppliers and buyers is stored in a database,*

wherein, the database is behind a firewall to prevent unauthorized

access);

- a node (*file server*) connected to an intermediate network layer (*DMZ*) at

  the order reception base serving as a segment isolated from both the

  open network layer and the network layer located inside, the node

  collecting and temporally maintaining the data sent from the client terminal

  or the data read out of the order reception database and transferring the

  data to an appropriate destination ([0020], *DMZ region provides additional*

  security to a LAN and is also isolated from a WAN).

With respect to claim 5, Fischer discloses wherein the nodes are classified into

a collector node (*file server*) composed of an information processing apparatus for

collecting and temporarily maintaining data sent from the client terminal or data read

out of the order reception database and a master node composed of an information

processing apparatus for performing authentication of access to the order reception

database to transfer the data maintained by the collector node to an appropriate

destination (*node on DMZ to allow access*) ([0020])

With respect to claim 7, Fischer discloses the open network layer is defined as

a WAN layer and the inside network layer is defined as a LAN layer, and the

intermediate network layer is defined as a DMZ layer ([0017]).

With respect to claim 10, the limitations of claim 10 is similar to the limitations

of claim 1. Therefore, the claim is rejected for the same reasons as claim 1 above.

Please see rejection.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 2-4, 6, 8-9, and 11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over unpatentable over Fischer et al. (US 2008/0015915 A1), in view of

Burton (US 2002/0007321 A1).

With respect to claim 2, Fischer discloses:

- a data carrier function as a base function for maintaining security beyond a

  firewall as well as reliably transmitting and receiving data ([0020]);

- a database management function for receiving data received upon execution

  of the data carrier function, for capturing the data in a predetermined area of a

  database, and for retrieving data recorded in the database ([0022]).

Fischer does not explicitly disclose:

- a screen function for providing a data recording function and a data display

  function;

- a translation function for receiving data recorded upon execution of the
  screen function or arbitrarily-created data and for converting the data into a
  format comprehensible to the order reception database;

However, Burton discloses:

- a screen function for providing a data recording function and a data display
  function ([0157]);

- a translation function for receiving data recorded upon execution of the
  screen function or arbitrarily-created data and for converting the data into a
  format comprehensible to the order reception database ([0153]);

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Fischer with the teachings of

Burton to provide a translation function for converting data into a compatible format,

because it will allow for the data to be understood in a native format.

With respect to claim 3, Fischer does not explicitly disclose wherein the client

terminal executes the translation function to receive the data recorded upon execution

of the screen function or the arbitrarily-created data and to convert the data into a

format comprehensible to the order reception database, and wherein the client terminal

executes the data carrier function to establish a connect session to the order reception

database through the node and to send the data converted with the translation

function.

However, Burton discloses the client terminal executes the translation function to

receive the data recorded upon execution of the screen function or the arbitrarily-

created data and to convert the data into a format comprehensible to the order

reception database, and wherein the client terminal executes the data carrier function

to establish a connect session to the order reception database through the node and to

send the data converted with the translation function ([0152]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Fischer with the teachings of

Burton to provide a translation function for converting data into a compatible format,

because it will allow for the data to be understood in a native format.

With respect to claim 4, the claim is rejected for the same reasons as claim 2

above. Please see rejection.

With respect to claim 6, Fischer discloses an order reception base terminal

connected to an in-house network at an order reception base connected to the open

network layer, the intermediate network layer, and the inside network layer though a

firewall, the order reception base terminal equipped with the application ([0022] and

[0034]).

Fischer does not explicitly disclose wherein the order reception base terminal at

least displays on a screen ordering data received through the node according to

ordering to manage an ordering condition.

However, Burton discloses the order reception base terminal at least displays on

a screen ordering data received through the node according to ordering to manage an

ordering condition ([0157]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fischer with the teachings of Burton to provide a screen for displaying ordering data received, *because* it will allow for the client to view the ordered data.

With respect to claim 9, the claim is rejected for the same reasons as claim 1 above for the limitations that are found to be similar.

Fischer does not explicitly disclose:

- a screen section for executing a screen function defined as a function of the application and providing a data recording function and a data display function ;

- a translation section for executing a translation function defined as a function of the application by receiving the data recorded upon execution of the screen function or the arbitrarily-created data, and by converting the data in a format comprehensible to an order reception database at an order reception base;

- wherein the translation section executes the translation function to convert the data recorded upon execution of the screen function or the arbitrarily-created data in the format comprehensible to the order reception database, and wherein the data carrier section executes the data carrier function to send the converted data by establishing a connect session to the order reception database.

However, Burton discloses:

- a screen section for executing a screen function defined as a function of the application and providing a data recording function and a data display function ([0157] and [0270]-[0271], *display for order selection and presentation*);

- a translation section for executing a translation function defined as a function of the application by receiving the data recorded upon execution of the screen function or the arbitrarily-created data, and by converting the data in a format comprehensible to an order reception database at an order reception base ([0153], *translation of order information into a compatible format for the supplier system*);

- wherein the translation section executes the translation function to convert the data recorded upon execution of the screen function or the arbitrarily-created data in the format comprehensible to the order reception database, and wherein the data carrier section executes the data carrier function to send the converted data by establishing a connect session to the order reception database ([0153]-[0155]), *translation of order information into a compatible format of the supplier system and sending the order information to the supplier system*);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fischer with the teachings of Burton to provide a translation function for converting data into a compatible format, *because* it will allow for the data to be understood in a native format.

With respect to claims 8 and 11, the limitations of these claims are similar to

the limitations of claims 1 and 9 combined. Therefore, the claims are rejected for the

same reasons as claims 1 and 9 above. Please see rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Esther Benoit whose telephone number is 571-270-

3807. The examiner can normally be reached on Monday through Friday between 7:30

a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Asad M. Nawaz can be reached on 571-272-3988. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.B.
July 22, 2010

/Asad M Nawaz/
Supervisory Patent Examiner, Art Unit 2442